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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,890	12/06/2005	Andreas Schmidt	112740-1115	2852
29177 7590 12/09/2008 BELF., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
RASHID, HARUNUR				
ART UNIT		PAPER NUMBER		
4143				
MAIL DATE		DELIVERY MODE		
12/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/559,890

**Applicant(s)**

SCHMIDT ET AL.

**Examiner**

HARUNUR RASHID

**Art Unit**

4143

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/06/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- Paper No(s)/Mail Date 2/10/06 12/6/05

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

HR  
11/19/2008

### **DETAILED ACTION**

1. Claims 29-55 are pending in the application. Claims 1-28 are canceled by an amendment filed on 12/06/2005.

#### ***Claim Objections***

2. Claims 31, 36, 42- 45, 47, and 51-53 are objected to for lack of antecedent basis:

Claim 31, Line 2, recited the limitation "the Telecommunication device";

Claim 36, Line 2, recited the limitation " the transmission message";

Claim 42, Line 1, recited the limitation " the switching component";

Claim 43, Line 2, recited the limitation "the second telecommunication";

Claim 44, Line 1, recited the limitation " the recipient notification";

Claim 45, Line 2, recited the limitation " the switching component";

Claim 47, Line 2, recited the limitation " the recipient notification";

Claim 51, Line 2, recited the limitation "the identification information";

Claim 52, Line 2, recited the limitation "the identification information";

Claim 53, Line 2, recited the limitation "the identification information";

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 30, 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 30, 32-35 refers the limitation based on claim 28, which is cancelled, rendering the claim indefinite. For examination purpose claims 30, 32-35 will be considered dependent on claim 29.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 29-40 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Tang et al. (herein after Tang) Pub No.: 2005/0265525A1

As to claim 29, Tang discloses a method for transmitting messages in a communication network comprising (Fig. 2, Paragraph 0039, Lines 1-5): transmitting a transmission message containing one or more useful data objects to a switching component (Fig. 1 and 2, MM1, MM2) for forwarding to a first telecommunication device (Paragraph 0039, Lines 1-5); creating a plurality of variants of the one or more useful data objects in the switching component as a function of one or more parameters (Paragraph 0019 & 0039, Lines 1-3 & 5-9); and informing the first telecommunication device of the availability of a plurality of variants of the one or more useful data objects for transmission to the first telecommunication device (Paragraph 0041, Lines 1-6).

As to claim 30, Tang discloses transmitting a delivery request message requesting a specific variant of the one or more useful data objects from the first telecommunication device to the switching component (Paragraph 0041 & 0042, Lines 1-9 & 1-4); transmitting a delivery message containing the requested variant of the one or more useful data objects from the switching component to the first telecommunication device (Paragraph 0041 & 0042, Lines 1-6 & 1-4).

As to claim 31, Tang discloses the step of informing the telecommunication device comprises: generating respective recipient notification messages assigned to a specific variant of the one or more useful data objects (Paragraph 0042 & 0043,

Lines 1-5 & 1-3); and transmitting the respective recipient notification messages from the switching component to the first telecommunication device (Paragraph 0044, Lines 1-6).

As to claim 32, Tang discloses the parameters includes parameters with information about the individual characteristics of the telecommunication device (Paragraph 0048, Lines 24-30) and in particular about applications provided on the telecommunication device (Paragraph 0051, Lines 1-10)

As to claim 33, Tang discloses the parameter includes parameters with information about the individual preferences of the recipient (Paragraph 0051, Lines 1-10).

As to claim 34, Tang discloses the parameters include parameters with descriptive information (Paragraph 0011, Lines 1-10, Table 2) which includes the significance of useful data objects contained in the transmission message and/or the relationships between contained useful data objects (Paragraph 0011, Lines 1-10, Table 2).

As to claim 35, Tang discloses the transmission message is transmitted from a second telecommunication device to the switching component (Paragraph 0052, Lines 1-5).

As to claim 36, Tang discloses the transmission message, delivery request message (Paragraph 0029, Lines 1-5), delivery message (Paragraph 0022, Lines 1-3), and recipient notification messages are transmitted in the context of the multimedia messaging service between the first telecommunication device and the switching component and/or the second telecommunication device and the switching component (Paragraph 0019, Lines 1-3, Paragraph 0020, Lines 1-3, Paragraph 0021, Lines 1-3, Paragraph 0022, Lines 1-3).

As to claim 37, Tang discloses the messages to and from the first telecommunication device and/or the second telecommunication device are sent via an air interface (Fig.2, Paragraph 0005, Lines 1-5).

As to claim 38, Tang discloses the first and/or second telecommunication device comprises a radio module (Paragraph 0008, Lines 12-20).

As to claim 39, Tang discloses messages to and from the first and/or second telecommunication device are transmitted by means of the WAP protocol WSP and/or the hypertext transfer protocol (Paragraph 0005, Lines 1-5).

As to claim 40, Tang discloses the first telecommunication device is part of a first telecommunication network (Fig. 2, Paragraph 0008, Lines 1-7).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41- 43, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied to claim 39 above in view of Becker et al., (herein after Becker) US Pub No.: 2006/0019637A1

As to claim 41, Tang fails to disclose the first telecommunication network is configured as a mobile radio network, operating according to the GSM, GPRS, EDGE, UMTS or CDMA standard. However, Becker discloses the first telecommunication network is configured as a mobile radio network (Paragraph 0048, Lines 1-5), operating according to the GSM, GPRS, EDGE, UMTS or CDMA standard (Paragraph 0048, Lines 2-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Becker with the teaching of Tang by configured the first telecommunication network as a mobile radio network, operating according to the

GSM, GPRS, EDGE, UMTS or CDMA standard, in order for Tang's system to transmit multimedia message using different communication standard.

As to claim 42, Tang fails to disclose the switching component is configured as part of a second telecommunication network connected to the first telecommunication network, which operates under the hypertext transfer protocol. However, Becker discloses the switching component is configured as part of a second telecommunication network connected to the first telecommunication network, which operates under the hypertext transfer protocol (Paragraph 0028, Lines 10-20). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Becker with the teaching of Tang by including the feature of configuring the switching component as part of a second telecommunication network connected to the first telecommunication network, which operates under the hypertext transfer protocol in order for Tang's system to access multimedia message from a mobile devices.

As to claim 43, Tang fails to disclose the first and second telecommunication networks are connected together by a WAP gateway. However, Becker discloses the first and second telecommunication networks are connected together by a WAP gateway (Paragraph 0004, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Becker with the teaching of Tang by including the feature of connecting the first and second telecommunication networks together by a WAP gateway, in order for Tang's system to forward the message to the recipient's carrier by using the Internet.

As to claim 45, Tang fails to disclose the switching component is configured as an MMS relay server. However, Becker discloses the switching component is configured as an MMS relay server (Paragraph 0012, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Becker with the teaching of Tang by including the feature of configuring the switching component as an MMS relay server in order for Tang's system to encapsulate the multimedia message and then forward to the carrier .

As to claim 47, Tang fails to disclose wherein the recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, further comprise total information , indicating the total number of recipient notification messages generated by the switching component for the variants of the one or more useful data objects of a transmission message. However, Becker discloses the recipient notification messages which are assigned to variants of useful data objects of a specific transmission message, further comprise total

information (Paragraph 0051 & 0052, Lines 5-7 & Lines 1-7), indicating the total number of recipient notification messages generated by the switching component for the variants of the one or more useful data objects of a transmission message (Paragraph 0051 & 0052, Lines 5-7 & Lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Becker with the teaching of Tang by including the feature of generating total number of recipient notification messages by the switching component in order for Tang's system to access messaging content such as pictures, text combined with images and/or sounds and also encapsulate the message and then forward to the carrier.

6. Claims 44, 46, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang as applied to claim 37 above in view of Prenzel et al., (herein after Prenzel) US Pub No.: 2003/0096598A1

As to claim 44, Tang fails to disclose the recipient notification message is transmitted to the telecommunication device by WAP push. However, Prenzel discloses the recipient notification message is transmitted to the telecommunication device by WAP push (Paragraph 0021, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang by including the feature of transmitting the recipient notification message to the telecommunication

device by WAP push in order for Tang's system to access messaging content such as pictures, text combined with images and/or sounds.

As to claim 46, Tang fails to disclose recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, comprise specific standard identification information. However, Prenzel discloses recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, comprise specific standard identification information (Paragraph 0050, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang by including the feature of specific standard identification information which are assigned to variants of useful data objects, in order for Tang's system to access messaging content such as pictures, text combined with images and/or sounds.

As to claim 48, Tang fails to disclose different recipient notification messages have sequence information, which contains the sequence of the variants of the one or more useful data objects generated by the switching component. However, Prenzel discloses different recipient notification messages have sequence information, which contains the sequence of the variants of the one or more useful data objects generated by the switching component (Paragraph 0042, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang by including the feature messages having sequence information, which contains the sequence of the variants of the one or more useful data objects generated by the switching component in order for Tang's system to stay connected with mobile devices.

As to claim 50, Tang fails to disclose the sequence information in the different recipient notification messages indicates which of the recipient notification messages relates to the unmodified original version of the at least one useful data object or the transmission message. However, Prenzel discloses the sequence information in the different recipient notification messages indicates which of the recipient notification messages relates to the unmodified original version of the at least one useful data object or the transmission message (Paragraph 0021, Lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang by including the feature of sequencing information in the different recipient notification messages indicates which of the recipient notification messages relates to the unmodified original version of the at least one useful data object or the transmission message, in order for Tang's system to reduced traffic channel and saving time.

6. Claims 49, and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of Becker as applied to claim 47 above and further view of Prenzel.

As to claim 49, Tang and Becker fails to disclose the different recipient notification messages have differentiation information, which indicates whether a variant of a useful data object assigned to a respective recipient notification message is the original variant contained in the transmission message or a modified variant. However, Prenzel discloses the different recipient notification messages have differentiation information, which indicates whether a variant of a useful data object assigned to a respective recipient notification message is the original variant contained in the transmission message or a modified variant (Paragraph 0021, Lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of Whether a variant is modified or original in order for Tang's and Becker's system to reduced traffic channel and time saving.

As to claim 51, Tang and Becker fails to disclose the identification information and/or the total information and/or the sequence information is provided under a respectively independent header field in a recipient notification message. However,

Prenzel discloses the identification information and/or the total information and/or the sequence information is provided under a respectively independent header field in a recipient notification message (Paragraph 0013, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of providing sequence information in the header field in order for Tang's and Becker's system manage transmission reference which may contain transmission time, source, file size, images, and sounds.

As to claim 52, Tang and Becker fails to disclose the identification information and/or the total information and/or the sequence information together is coded in a recipient notification. However, Prenzel discloses the identification information and/or the total information and/or the sequence information together is coded in a recipient notification message (Paragraph 0042, Lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of coding identification information and/or the total information and/or the sequence information together in a recipient notification message in order for Tang's and Becker's system manage transmission reference which may contain transmission time, source, file size, images, and sounds.



As to claim 53, Tang and Becker fails to disclose the identification information and/or the total information and/or the sequence information is processed by the first telecommunication device on receipt of a respective recipient notification message. However, Prenzel discloses the identification information and/or the total information and/or the sequence information is processed by the first telecommunication device on receipt of a respective recipient notification message (Paragraph 0043, Lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of processing identification information by the first telecommunication device on receipt of a respective recipient notification message in order for Tang's and Becker's system to manage transmission reference which may contain transmission time, source, file size, images, and sounds

As to claim 54, Tang and Becker fails to disclose variants for transmission by the switching component are displayed on a user interface so that a user can select one or more variants and request transmission by the switching component. However, Prenzel discloses variants for transmission by the switching component are displayed on a user interface so that a user can select one or more variants and request transmission by the switching component (Paragraph 0004, Lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of displaying variants on a user interface so that a user can select one or more variants in order for Tang's and Becker's system to manage the multimedia messages.

As to claim 55, Tang and Becker fails to disclose the useful data objects contain text information, audio information, video information, executable programs, software modules or a combination of such information. However, Prenzel discloses the useful data objects contain text information, audio information, video information, executable programs, software modules or a combination of such information (Paragraph 0003, Lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of useful data objects that contain text information, audio information, video information, executable programs, software modules or a combination of such information in order for Tang's and Becker's system to utilize full potential of WAP protocol.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Mangalik et al. (PGPUB No US-2004/0044774)
- b. Goertz et al. (PGPUB No US-2006/0109836)
- c. Gaffney (PGPUB No US-2001/0012302)
- d. Ratschunas et al. (Patent No: US-7392038)
- d. Sevanto et al. (Patent No: US-6600732)

8. Examiner's Note: Examiner has cited particular columns/paragraphs/pages and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARUNUR RASHID whose telephone number is (571)270-7195. The examiner can normally be reached on Monday - Friday; 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HR  
12/03/2008  
/NABIL EL-HADY/

Supervisory Patent Examiner, Art Unit 4143